

**IN THE DISTRICT COURT FOR THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. No.: 2:06CR206-MHT
)	
KEVIN ONEIL BROWN)	

MOTION FOR SEVERANCE OF DEFENDANTS

COMES NOW the Defendant, Kevin Oneil Brown, by and through counsel, William R. Blanchard, and shows as follows:

1. The Defendant is charged along with co-defendant Alethia Scott in a five (5) count superceding indictment which alleges, inter alia, that Ms. Scott and Mr. Brown conspired to defraud FEMA and stole over \$20,000.00 in Government funds.
2. A review of the discovery furnished to the undersigned by the United States clearly reveals that co-defendant Scott has confessed to the alleged fraud, and has implicated Kevin Brown as a major participant with her in the fraudulent scheme.
3. If a joint trial is held, it is reasonable to believe that the Government would not refrain from presenting evidence depicting the full scope and content of co-defendant Scott's inculpatory statements. It is likewise reasonable to believe, based upon her prior criminal history as portrayed through the provided discovery, that she would not take the witness stand. In such a case, co-defendant Brown, unable to effectively cross examine Scott relative to her statements, would be entitled to have his trial severed from hers. See *Brewton v. U.S.*, 391 U.S. 123, 88 S.Ct. 1620, 20 L. Ed. 2d 476 (1968); *U.S. v. Blankenship*, 382 F.3d 1110 (11th Cir. 2004).

WHEREFORE, Defendant Kevin Brown moves for a severance of his trial from that of his co-defendant pursuant to the above-cited authorities and Fed. R. Crim. P. 14.

RESPECTFULLY SUBMITTED this 2nd day of October 2006.

s/ William R. Blanchard
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